

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VANGUARD AUTOMOTIVE DESIGN LLC,  
et al.,

Plaintiffs,

- against -

NICHOLAS APICELLA, et al.,

Defendants.

**ORDER**

23-CV-05335 (PMH)

PHILIP M. HALPERN, United States District Judge:

This case was commenced on June 2, 2023 in the Supreme Court of the State of New York for Rockland County (“State Court”) and removed to this Court on June 22, 2023. (Doc. 1). Plaintiff filed, on June 22, 2023, a motion for a preliminary injunction which seeks to enjoin Defendants “from using company funds to pay for personal, non-business related expenses during the pendency of this lawsuit; and refrain from taking any further actions designed to slander, defame, falsely portray, or otherwise mislead third persons about the Plaintiffs.” (Doc. 1-3 at 118).<sup>1</sup> The State Court, on June 22, 2023, entered an Order to Show Cause as to “why an Order should not be granted pursuant to CPLR 6301” which would enjoin Defendants from taking certain actions and compelling Defendants to return certain property. (*Id.* at 127-128).

Defendants shall file a response to the June 22, 2023 Order to Show Cause by July 10, 2023. The Court will hold oral argument on Plaintiff’s application for preliminary injunctive relief on July 26, 2023 at 11:30 a.m. in Courtroom 520.

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<sup>1</sup> Citations to the documents referenced herein correspond to the pagination generated by ECF.

**SO ORDERED.**

Dated: White Plains, New York  
June 27, 2023

A handwritten signature in black ink, appearing to read 'PHM', is written over a horizontal line.

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PHILIP M. HALPERN  
United States District Judge